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NO. 2020CVA001790D3

VICTOR MANUEL RIVERA, JR. AND	§	IN THE DISTRICT COURT OF
VICTOR MANUEL RIVERA, SR.	§	
	§	
VS.	§	WEBB COUNTY, TEXAS
	§	
KARRIERS, INC., LONG SHOT	§	
TRUCKING, LLC AND	§	
JON EDWARD BEHLE	§	_____ JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Victor Manuel Rivera, Jr. and Victor Manuel Rivera, Sr., hereinafter referred to as Plaintiffs, complaining of Karriers, Inc., Long Shot Trucking, LLC and Jon Edward Behle, hereinafter referred to as Defendants, and would respectfully show the Court as follows:

1. Discovery is intended to be conducted under Level 3, Texas Rules of Civil Procedure, Rule 190.4.
2. Plaintiffs are resident citizens of Laredo, Webb County, Texas.
3. Defendant, Karriers, Inc., is a corporation organized under the laws of North Dakota and authorized to conduct business in the State of Texas and may be served by serving its Process Agent, Jeffrey Fultz, All American Agents of Process, 10343 Sam Houston Park Dr., #210, Houston, TX 77064.
4. Defendant, Long Shot Trucking, LLC, is a limited liability company organized under the laws of Minnesota and authorized to conduct business in the State of Texas and may be served by serving its Process Agent, Jeffrey Fultz, Process Agent Service Company, Inc., 10343 Sam Houston Park #210, Houston, TX 77064.

5. Defendant, Jon Edward Behle, is an individual resident of the State of Minnesota who may be served with process by serving The Chairman of the Texas Transportation Commission, Richard F. Williamson, 125 E. 11th Street, Austin, Texas 78701-2483, who should then forward same to Jon Edward Behle, 106 Hall Ln, Alden, MN 56009.

6. This Court has jurisdiction and venue of this case because this cause of action is for negligence and the subject matter of this lawsuit and the amount in controversy are all within the jurisdictional limits of this Court. Further, this Court has venue of this case because all or a substantial portion of the acts or events giving rise to the cause of action and the acts and/or omissions of negligence that proximately caused the occurrence in question and the injuries and damages sustained by your Plaintiffs occurred within the territorial limits of Webb County, State of Texas.

7. It has become necessary for your Plaintiffs to file this cause of action to recover damages as a result of a motor-vehicle collision that occurred on or about October 24, 2018 in Laredo, Webb County, Texas. On such date, the Defendant, Jon Edward Behle, was operating an 18-wheeler rig, when he attempted to make an improper turn and struck the vehicle being operated by Plaintiff, Victor Manuel Rivera, Jr. Plaintiff, Victor Manuel Rivera, Sr., is the owner of the vehicle Victor Manuel Rivera, Jr., was operating at the time and on the occasion in question. Discovery is at its infancy in this case. Further information and evidence on these issues are, at this time, within the knowledge of Defendants and not Plaintiffs. However, this information can and will be obtained through legal discovery efforts that may possibly require additional or different allegations. Plaintiffs reserve the right to amend and/or supplement as allowed by the Texas Rules of

Civil Procedure.

8. Plaintiffs allege that at the time of the incident in question, Defendant driver, Jon Edward Behle, committed acts and/or omissions of negligence that proximately caused the occurrence in question and Plaintiffs' injuries and damages. The acts and/or omissions are, singularly and/or in combination, as follows:

- a) Failure to keep a proper lookout;
- b) Failure to control speed;
- c) Failure to timely apply brakes;
- d) Failure to yield right-of-way;
- e) Failure to maintain an assured clear distance;
- f) Failure to safely change lanes (negligence per se);
- g) Turning into Plaintiff's lane of traffic when unsafe;
- h) Failure to control his vehicle to avoid a collision;
- i) Failing to drive in a single marked lane of traffic (negligence per se);
- j) Changing lanes when unsafe (negligence per se);
- k) Distracted driving;
- l) Driver inattention; and/or
- m) Failure to comply with the State and Federal Motor Carrier Safety Regulations concerning, as applicable and as the evidence may reveal, equipment, inspections, driver qualification and competence, medical condition, hours of service and maintenance and repairs including all parts required to be inspected in both pre-trip and post-trip inspections, annual inspections and other routine inspections under the applicable regulations, as applicable, implicating both negligence and negligence per se standards.

Such acts and/or omissions, singularly or in combination, and as the evidence will reveal, constitute negligence and negligence per se, as applicable, and such negligence and

negligence per se proximately caused the occurrence in question and the injuries and damages sustained by your Plaintiffs. Discovery is at its infancy in this case. Further information and evidence on these issues are, at this time, within the knowledge of Defendants and not Plaintiffs. However, this information can and will be obtained through legal discovery efforts that may possibly require additional or different allegations. Plaintiffs reserve the right to amend and/or supplement as allowed by the Texas Rules of Civil Procedure.

9. At all times material, Defendants, Karriers, Inc. and Long Shot Trucking, LLC, are thought to be the employers/operators and/or owners and/or motor carriers of the 18-wheeler tractor trailer rig driven by Defendant, Jon Edward Behle, at the time and on the occasion in question. Defendant, Jon Edward Behle, is alleged to have been operating said vehicles within the course and scope of his authority, agency, and/or employment and in furtherance of the business affairs of Defendants, Karriers, Inc. and Long Shot Trucking, LLC, and as an employee and/or statutory employee, as the evidence will show, at the time and on the occasion in question. Plaintiffs, therefore, invoke the legal concepts of respondent superior and vicarious liability to hold Defendants, Karriers, Inc. and Long Shot Trucking, LLC, responsible for the referenced acts and/or omissions of negligence of Defendant, John Edward Behle, that proximately caused the occurrence in question and Plaintiffs' injuries and damages. Discovery is at its infancy in this case. Further information and evidence on these issues are, at this time, within the knowledge of Defendants and not Plaintiffs. However, this information can and will be obtained through legal discovery efforts that may possibly require additional or different allegations. Plaintiffs reserve the right to amend and/or supplement as allowed

by the Texas Rules of Civil Procedure.

10. Plaintiffs also allege that Defendants, Karriers, Inc. and Long Shot Trucking, LLC, committed acts and/or omissions of negligent entrustment and/or negligence in providing the means for Defendant, Jon Edward Behle, to be entrusted and/or provided the motor vehicle in question to an incompetent, unsafe, dangerous or reckless driver, along with applicable violations of the State and Federal Motor Carrier Safety Regulations (negligence per se), such negligence, negligent entrustment, and/or negligence per se, singularly or in combination, and as the evidence will reveal, being a proximate cause of the collision and of the injuries and damages suffered by Plaintiffs. Discovery is at its infancy in this case. Further information and evidence on these issues are, at this time, within the knowledge of Defendants and not Plaintiffs. However, this information can and will be obtained through legal discovery efforts that may possibly require additional or different allegations. Plaintiffs reserve the right to amend and/or supplement as allowed by the Texas Rules of Civil Procedure.

11. As a result of the acts and/or omissions that caused the injuries and damages referenced above, your Plaintiff, Victor Manuel Rivera, Jr., alleges that he sustained physical injuries and damages from which he now suffers and in all probability will continue to suffer into the future in terms of physical pain, mental anguish, physical impairment, disfigurement, loss of earning capacity and the incurring of medical and hospital bills and expenses in the past and in the future. Plaintiff, Victor Manuel Rivera, Jr., sues for these damages in an amount within the minimum jurisdictional limits of the Court, over \$200,000.00 but not more than \$1,000,000.00.

12. As a result of the acts and/or omissions of negligence that caused the

occurrence in question and the damages referenced above, Plaintiff, Victor Manuel Rivera, Sr.'s 2015 Chrysler 200 was damaged. Plaintiff seeks the necessary and reasonable cost of repairing said vehicle and restoring it to its condition immediately prior to the accident. As a further proximate result of the damage done to Plaintiff's vehicle, he lost the use and enjoyment of same as a proximate result of Defendants' negligence, for which Plaintiff hereby sues. Plaintiff further seeks the diminished value of said vehicle resulting from the occurrence in question that was proximately caused by Defendants' negligence. Plaintiff, Victor Manuel Rivera, Sr., sues for these damages in an amount within the minimum jurisdictional limits of the Court, but less than \$100,000.00.

13. The Plaintiffs also sue for pre-judgment and post-judgment interest on the items of damages allowed by law.

14. Plaintiffs demand a trial by jury on this case.

WHEREFORE PREMISES CONSIDERED, Plaintiffs prays that the Defendants be cited in terms of law to appear and answer herein and that upon final hearing Plaintiffs do have and recover of, from and against the Defendants, jointly and severally, their compensatory damages as referenced above all in amounts in excess of the minimum jurisdictional limits of this Court, pre-judgment and post-judgment interest, costs of court, trial by jury, and for such other and further relief, in law and in equity to which Plaintiffs may be justly entitled.

Respectfully submitted,

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\*E-SERVED DOCUMENTS ARE ONLY ACCEPTED AT THE ABOVE DESIGNATED E-SERVICE EMAIL ADDRESS. SERVICE ON ANY OTHER EMAIL ADDRESS WILL BE CONSIDERED INVALID.